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# ADMINISTRATIVE REFORM

AS AN ISSUE IN THE

NEXT PRESIDENTIAL CANVASS.

SECOND EDITION, WITH ADDITIONS.

*By Christopher Columbus Smith*



# ADMINISTRATIVE REFORM

AS AN ISSUE IN THE

NEXT PRESIDENTIAL CANVASS.

BY

GENERAL C. C. ANDREWS,  
OF MINNESOTA.

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## PREFACE TO THE SECOND EDITION.

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WHEN the first edition of this pamphlet was issued, July, 1887, eleven hundred copies of it were mailed to as many representative journals and periodicals throughout the country; and judging from such reviews as I have seen, of which not a few were editorials giving a synopsis of its contents or making liberal quotations from it, a fair knowledge of its facts and arguments must in this way have been brought to many thousand readers. I cordially acknowledge the attention given it by the press. Possibly my testimony would have had more weight if I had stated that my means of acquaintance with the subject had been derived from sixteen years' experience in the public service in course of the past thirty years; of which the first two years were as a clerk in one of the departments at Washington.

There is one argument I could wish to emphasize much more strongly than I have done.

It is the benefit the government would derive in holding out inducements to employees and officers to *do their best*; to make continuous efforts for their improvement and efficiency. People are influenced mainly by self-interest. An officer will take pains to increase his efficiency in proportion as he sees he can better his condition in life by doing so. Let the government gradually raise the grade of qualification required of its servants and assure them that their retention and promotion will depend on their merit, and it will derive great direct benefit. It appears to me also that a great indirect benefit would accrue to the country at large by the increased intellectual interest and training that would be fostered by such an example. What a glorious statement was that of Prince Bismarck last February when, at his request, the Reichstag with one voice added seven hundred thousand men to the imperial army and voted a loan of seventy million dollars to arm and equip them! — thus enabling Germany to place, in case of war, a million of good soldiers on each of her frontiers with reserves behind them. Said Prince Bismarck: “It must not be said, ‘Others can do the same!’ That is just what they cannot do. We have

the material not only for forming an enormous army, but for *furnishing it with officers.*" Yes! it is the intellectual training of the German people that enables that country at a moment's notice to find enough educated men for commissioned officers for such a mighty army. It is more in peaceful avocations, however, in the competition of trade, in industry, social order, temperance, and frugality, that our country would derive benefit from increased intellectual interest and training. Let appointments and promotions in our civil service depend on merit, and a mighty impulse would be given to study and to better morals.

The idea that an educated and permanent civil service is not consistent with a republican form of government is unsound, as shown by the fact that an educated military and naval service with permanent tenure are found perfectly consistent with our form of government. Republican government in its best sense means a pure government, — a government of the people, by the people, and for the people; and it ought, therefore, all the more to be exempt from the bad influences of the "spoils" system. When Jefferson became President he found, as he states, all the important offices filled by



Federalists, but he said he would make changes no further than to give both parties a fair representation. To a committee of New Haven merchants he wrote: "It would have been to me a circumstance of great relief had I found a moderate participation of office in the hands of the majority. I would gladly have left to time and accident to raise them to their just share. But their total exclusion calls for prompt corrections. I shall correct the procedure; but that done, return with joy to that state of things when the only questions concerning a candidate shall be, Is he honest? Is he capable? Is he faithful to the Constitution?" During his eight years' administration Jefferson removed only thirty-nine officers whose appointments have to be confirmed by the Senate. The regular "spoils" system — the appointment of men to all the best offices as a reward for party service — was introduced by President Jackson in 1829, and has been continued ever since.

The public takes no particular interest in the fate of office-holders who received their appointments on political grounds, who have made no sacrifice to qualify themselves, and who have merely discharged their duties in an



ordinary way. But where an officer has shown aptitude for his duties, has taken pains to thoroughly fit himself for them, and has made an excellent record, he ought to be retained in the service ; and the public ought to manifest a lively interest in his protection. Let every one bear in mind, however, that, with few exceptions, the spirit of the civil service law has not hitherto been applied to the 4,000 officers who are appointed by the consent of the Senate, nor to a considerable number of the dependents of some of these 4,000, nor to the 56,000 postmasters who can be appointed and removed by the Postmaster General ; all of these, according to usage, are still subject to the “spoils” practice. There is *no law* to protect any of these officers from arbitrary removal, no matter how much aptitude they possess for their duties, nor how zealous and effective they have been in their discharge. If on the accession of any new President enough pressure be made he can “with bare-fac’d power sweep” every such officer from his place. And there is always danger that an overwhelming pressure will be brought to bear on him. The 409 senators, representatives, and delegates in Congress have pre-audience with the President.

He cannot see and talk with everybody. But these hundreds of congressmen he must admit and hear; and if they, day after day, from month to month, incessantly argue, plead for, and demand indiscriminate change, then a break is liable finally to be made. Now, what the civil service requires, and what the best sentiment of the country wants, is that a barrier be interposed to protect the President from this pressure, and which at the same time will tend to establish the civil service on a non-partisan basis. For this purpose I would recommend the passage of a law by Congress substantially like the following: —

That from and after the passage of this act appointments of assistant treasurers, mint and assay officers, customs and revenue officers, consular officers, district attorneys, marshals, postmasters, Indian inspectors and agents, registers and receivers of land offices, surveyors general, and supervising inspectors of steamboats shall be made solely with reference to fitness, and not on account of adherence to any political party, yet so as to distribute appointments with reasonable fairness among the several States; and officers so selected and appointed after the passage of this act shall not be removed except for cause which in each case shall be duly reported to Congress.

The law could be framed to include other officers than those mentioned ; but I have not added others lest, for a beginning, it might be thought too sweeping. With regard to such a project the inquiry will at once arise, How can we expect Congress to enact a law of this sort when it is for the interest of possibly a majority of congressmen to oppose it? Offices now in too many cases are the congressman's perquisites, with which he rewards the friends who have aided his election ; and he will naturally oppose a measure which deprives him of a share of " patronage " and " spoils." The way to secure the passage of such a law is for intelligent and patriotic people to agitate for its enactment, and to bring their strong and persistent influence to bear on their respective senators and representatives for its support. At the same time the people should require their respective State legislatures to organize the civil service of their State on non-partisan principles as has already been done with excellent results in the States of New York and Massachusetts.

C. C. ANDREWS.



## ADMINISTRATIVE REFORM.

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IN an official report which I had the honor to make to the Department of State, eleven years ago, on the systems of Civil Service in Sweden and in Norway, and which was published by the government of the United States, I stated: "During the last three quarters of a century a complete revolution has taken place in the civil service of the principal European states. Rigorous and impartial tests of qualification have been adopted, and where formerly were incompetency, routine, and peculation are now efficiency and fidelity. The prosperity of those states is owing in a great degree to the character of their civil service, for it has been made instrumental to the development of their resources and to public economy. Prussia, whose soil and physical resources are third-rate in quality, as compared with those of the United States, while in magnitude they bear but slight comparison with ours, owes it very much to the high order of efficiency which has been introduced into her civil service that she has risen to be one of the first powers in



the world. Improvements in administration have hardly been less in France and Great Britain." I also expressed my sincere belief "that the United States have much to gain in prosperity at home and reputation abroad by a reform of their civil service." Additional experience and observation have strongly confirmed this opinion; and it is with some hope that the able and patriotic leaders of public opinion in our country may be induced to bestow a share of attention on the subject *previous* to the absorbing hours of the approaching presidential canvass that I now venture upon its discussion. It is evident that Administrative Reform — which I regard as identical with Civil Service Reform — will occupy a large share of attention in that canvass. A majority of the Independents are educated men, who are determined to use their influence for the prompt abolition of the spoils system; and although they are not satisfied with the progress of civil service reform under President Cleveland's administration, they will nevertheless give him their support in 1888 unless the Republican party shall furnish unmistakable evidence of a sincere and firm purpose to promptly accomplish very much more in that regard than has already been done, or seems likely, under the present administration, to be done. The Republican party must either show an honest purpose to abolish the spoils system, and the worse than kingly one-man



power which it fosters, or be prepared for another defeat. As a Republican, therefore, I think that our leaders and the conductors of the Republican press will greatly lighten the labors of the impending canvass, greatly lessen the wear and tear and expense, the need of brass bands, torchlight processions, and large subscriptions of money, if they will seasonably commence an intelligent agitation of the question of civil service reform, and educate our party up to a hearty and enlightened appreciation of the subject. If the Independents could see Republican municipal governments and Republican state governments introducing business principles into their offices they would be fairly assured that a Republican administration at Washington could be depended on to do the same.

There is great misapprehension in the public mind as to what has already been accomplished in the way of civil service reform. Many people think that because Congress has enacted a law for the improvement of the civil service nothing more remains to be done but to carry the law into execution. It is true a civil service law has been enacted. It is entitled, "An Act to regulate and improve the civil service of the United States," was approved by President Arthur January 16, 1883, and is generally called the Pendleton Act, after a Democratic sen-

ator who took a leading part in getting it passed. This law, however, applies only to clerks, and to inferior officers whose nominations do not need to be submitted to the Senate. It does not touch — and this fact demands particular attention — that large list of civil officers, numbering about four thousand, whose appointments require the “advice and consent of the Senate,” but these still remain subject to the “spoils” system. Yet although this so-called Pendleton Act reforms only a part of the civil service, it is an excellent measure as far as it goes, and ought to be well understood by every citizen. Its purpose is to take the appointment of inferior officers and clerks out of party politics, and to apply impartial tests of qualification for their admission to the service and their promotion therein. Of the three commissioners appointed to prepare rules for carrying the law into effect only two shall be adherents of the same party. The law provides for open competitive examinations for testing the fitness of applicants for the public service, which examinations shall be practical in their character, and, so far as may be, shall relate to those matters which will fairly test the relative capacity and fitness of the persons examined to discharge the duties of the service into which they seek to be appointed; and appointments in the departments at Washington shall be apportioned among the several States and Territories

upon the basis of population. There is a period of probation before any absolute appointment. Under this law a university or even academical education is not required to fit a person for entering the service. The book learning is no more than a youth with aptitude for learning can acquire in the common schools or by the light of the country fireplace. The power of any head of department to summarily dismiss a clerk is not taken away, but the motive to dismiss on political grounds is taken away because the vacancy must be filled from among those who have been examined and shown themselves competent. Under this law the son of a washerwoman stands just as good a chance for entering the service as the son of a congressman. The law is not only a most praiseworthy reform in separating many thousands of clerkships from party politics and in applying impartial tests for entering the service, but it is calculated to *give a fresh impulse to education*. Thousands of youth all over our country find in it an inducement for study which before did not exist. No doubt the success of the law will depend a good deal, and possibly too much, on the good faith of the Executive. It is to be hoped, however, that every President we may have will faithfully carry it into effect; but if there should be any failure in the matter no doubt some representative of the people will have the courage to demand the proper scru-



tiny. Indeed, Congress has shown that it intends to keep an eye on the matter by enacting that the commissioners "shall make an annual report to the President for transmission to Congress, showing their own action, the rules and regulations and the exceptions thereto in force, the practical effects thereof, and any suggestions that they may approve for the more effectual accomplishment of the purposes of the act."

With reference to political assessments, it is true this law provides that no person in the public service is for that reason under any obligation to contribute to any political fund or to render any political service, and that he will not be removed or otherwise prejudiced for refusing to do so ; also, that it prohibits, under severe penalties, any person in the public service of the United States from soliciting for political purposes any money from any officer, clerk, or employee of the United States. But the law does not, in this regard, accomplish what it intends, and it ought to be amended so as to prohibit any person or committee of any sort from soliciting, directly or indirectly, political contributions from persons in the public service. At present, political committees are composed of unofficial persons, but who are known to have great political influence, and who can and do send circulars to civil officers, clerks, and employees, suggesting contributions. These officers, clerks,

and employees thus addressed know very well that a record is kept of contributions, and that a failure to contribute will be known to those who are high and powerful in the party. They are thus still coerced, though indirectly, to contribute to a party fund. I see no harm in any purely voluntary contribution, but the soliciting of political contributions, by any person or persons, from officers, clerks, or employees ought to be prohibited. This Pendleton Act applies, or in the discretion of a civil service reform President can be made to apply, to the vast number of thirty-eight thousand inferior officers, clerks, and employees, whose annual salaries together amount to thirty-eight million dollars, and as the clause in regard to assessments applies to every one in the civil service, the amount which can still be assessed for party purposes is not far short of fifty millions dollars. Is it not high time an absolute stop should be put to the levying of party assessments, on this vast sum at every congressional or presidential election ?

*There are upward of three thousand civil officers* of the United States who can be appointed only by the President by and with the advice and consent of the Senate, and who do not come within the Pendleton Act. Their classification and number are about as follows : assistant secretaries and chiefs of bureaus in Wash-

ington 30, assistant treasurers 9, collectors of internal revenue 85, customs officers 150, diplomatic and consular officers 350, district attorneys and marshals 132, Indian inspectors and agents 68, mint and assay officers 26, pension agents 19, presidential postmasters 2,233, registers and receivers of land offices 208, surveyors general 16, supervising inspectors of steamboats 10, territorial officers 45 ; in all, 3,381 offices which usage has given the President power to distribute to his party adherents. There are probably a few more such offices that might be added to the above list.

In a few, but not many European countries, it is customary to regard the first assistant secretaryships of a central department as confidential posts, and subject to change with the minister or chief. There may be some reason for such a rule, but in respect of all the other offices, including diplomatic offices, it is no more customary for European governments to make changes on a change of administration than it is in this country to change officers of the regular army.

If in our country a party while in power has monopolized nearly all the civil offices, it must be expected that changes will be made on the accession of a new party ; and if the changes be made in a frank manner on their true ground, no one will complain. Civil service reform implies that no one political party shall have all the



offices ; and when the time arrives that there is an equilibrium, and both parties are reasonably fairly represented in the civil service, then will be a suitable opportunity to adopt a rule of permanency of tenure.

Of course, under every administration it is reasonable that some of the higher positions should be regarded as prizes with which to reward a few who have rendered preëminent service to their party and country. But party zeal or sympathy is no qualification for the proper discharge of a public office. Take, for example, the diplomatic office, in which with us changes are the soonest made of any. It is the duty of the diplomatic agent to gain that insight of the people and government where he is stationed, and to acquire that influence, that he could in an emergency render efficient service to his own country. The less he carries with him of party bias, the better. A long time ago diplomatic representatives were expected to watch the personal interests of their sovereign ; but surely the United States ought not to go back to that usage, long ago discarded by every power of Europe, and consent that their diplomatic agents are to be the personal representatives of the President. The consular officer, five thousand miles away, who protects American seamen and certifies the invoices of foreign exporters — what has he to do with party politics at home ? and so as to a

collector of customs at one of our great ports, — what the country wants of him is that he will collect the taxes on imports in an impartial and faithful manner. It desires the administration to hold him to a rigid accountability. It wants none of his panegyrics on the administration, none of his after-dinner platitudes. The less he has to do with party politics, the better pleased the country will be. “Sympathy” for the administration! Is that a qualification for an Indian agent in the distribution of rations and blankets to the Indians? or for registers and receivers of land offices in deciding contests between poor homestead settlers? Is it a qualification for steamboat inspectors, pension agents, or officers of the mint? Does it enable a commissioner of patents to determine the utility and novelty of an invention? There has been just one period in my recollection, and only one, when special devotion to an administration might have been a qualification for a civil officer, and that was when United States marshals were called upon to catch fugitive slaves!

At the present time, the “regulations” for almost every class of civil officers comprise a pretty thick printed volume which is the same under successive administrations. These regulations are changed only as the laws change, and it is the officer’s duty to obey them. What the government and people equally want of an offi-

cer is not sympathy for the administration, but duty ; and any one appointed to an office who has not patriotism enough to discharge his duties faithfully without regard to party politics is not qualified for his place.

There are hundreds of Democrats who have been holding commissions in the army and navy for many years back. Has any one heard of a single instance where they have failed of their duty because a Republican administration was in power ? Have any of the many Democrats who were continued in the civil service under Republican administrations failed in their duty because their political sympathies were not in accord with the administration ? No ! the work of a civil officer and for which he receives his pay, like that of an army or navy officer, is for his government, and not for his party.

Senator Edmunds stated the true relation of the civil officer to the government, in the debate March 17, 1869, on the tenure of office bill : " Is he the mere servant and creature of the Executive, or is he the responsible agent of the law that imposes upon him certain duties and surrounds him with certain rights, so that treading in the path of his duty he can compel the President of the United States to pay his taxes as well as he can compel me to pay mine ? This is the idea that I have been taught to entertain of the true functions of an officer of a free people."



The fact clearly to be kept in mind is that no law has yet been passed to take these three thousand and more appointments out of party politics, and that they still remain by usage (though not by the Constitution) a part of the President's patronage. The annual compensation of these offices amounts in the aggregate to about twelve million dollars; which sum practically constitutes a *relief fund* that the President can and does distribute to his needy supporters. I submit to thoughtful Americans whether or not this is a practice wholesome for the Republic?

Public opinion has in late years changed for the better *with regard to office-holders mixing in party politics*, and is now strongly against the practice. Probably either political party would now indignantly refuse to be bound by the action of a convention that was controlled, or even considerably influenced, by office-holders. Still there are some influential men who favor the old usage, and there is nothing in the law as yet to prevent its again coming into use. The office-holder claims, and with some force, that he obtained his position as a reward for party service, and that if he lets go his "grip" in party affairs his office will be likely to slip from him also. The reply to this is that a reform of the civil service implies that appointments and removals will not be made for political reasons, but that

the officer will find the motives for his retention and promotion in fidelity and capacity.

It is for the interest of the government that every civil officer should enjoy the public confidence and good-will; but this he cannot do if he is an active partisan and wire-puller. The public has not forgotten how, in many places, people went some distance to patronize neighboring post-offices, in consequence of their dislike of some of President Cleveland's new postmasters. The intensity of political prejudice in many people is amazing, as is illustrated by an authentic example, — the case of a respectable, industrious, and well-to-do old Democratic farmer in a New England town, who blamed Lincoln's administration because his grocer had got out of codfish and rum. Said he, "I have been down to the Bridge (village), and they have got no codfish nor rum, and if Lincoln stays in much longer we'll all go to the d—l." This old Democrat was as bright as the average of men, but very narrow in his political feelings. There is a vast number of just such bigoted people in both parties, and it is bad policy for our government to arouse their jealousy and ill-will by allowing its agents and officers to be active in caucuses, conventions, at the polls, and in party management generally. A late commissioner of internal revenue stated in his annual report that the government, in the course of the year, had been cheated

out of two million dollars of taxes. This loss was largely in consequence of the revenue officials and employees having been active and dependent politicians. They favored their political friends to the government's cost; while their political enemies, from prejudice and narrow views, withheld a part that was the government's due. The French have always been very practical and successful in the collection of taxes. When Leon Say, who is regarded as one of the ablest of modern statesmen, was the French minister of finance, he instructed the tax collectors of France not to mingle in the elections then pending, because it would deprive them of their proper influence over the tax-payers, and prevent the full collection of the revenue. It would shock the popular feeling if a judicial officer were to make party speeches and be active in party caucuses and conventions. Such a thing would not be tolerated. And why? Because, by universal consent, a judge ought to have the esteem and confidence of people of all parties. And just on this principle civil officers in all branches of the service should abstain from taking an active part in politics.

In opposition to all this a great flourish of trumpets is made about the "rights of an American citizen!" To take part in political affairs is, we are told, the right of every citizen. Yes; provided he is not in office. When a man takes



an office he has to give up a great many rights. A commodore in the navy has to go where he is sent. No officer can quit his post without leave. Every man who takes an office will find that he necessarily has to give up many rights which he before enjoyed. It is the right of an American citizen to enter into contract with the government of the United States to carry the mails, to furnish timber or goods for the navy, to construct ships of war, to build post-offices and custom houses, and to furnish supplies for the army. Considerable money is sometimes made out of such contracts ; but on grounds of public policy senators and representatives in Congress are prohibited by law from having any interest whatever in any such contract. There is equal propriety in prohibiting office-holders from mixing actively in party politics any further than to vote and to express on suitable occasions their views on public questions. Finally, it is unworthy a free people that their political assemblies and proceedings should be, or even be supposed to be, under the dictation of the dependents of any administration or party.

Then with regard to the *economical benefits* of reform. It is a simple and well-known principle in business that, where the risks are great, the profits must be large in proportion. Apply this principle to offices, the tenure of which is

liable to cease at every change of administration, and is it not clear that the pay must be large in proportion to the uncertainty of the tenure? "The government cakes are thin, but they are sure," is a sound maxim in the Swedish civil service. The tenure there is permanent. The government "cakes" are sure, and therefore the officer can afford to take them thin. With us the aggregate salaries of the thousands of presidential offices, which by our most undemocratic and unrepublican usage have come to be regarded as executive "patronage," cannot fall far short of \$12,000,000; and if the principle of *certainty* were imparted to the service a saving might be made of some millions per annum. Again, under our present system of rotation, the government suffers the disadvantage of always being served by mere apprentices. It requires several years to thoroughly learn a mechanical trade or any separate branch of mercantile business. So, it requires several years for a man to learn the duties of almost any civil office; yet about as soon as he becomes really efficient and valuable to the government he is removed and a new apprentice put in his place. Surely no line of mercantile business could be successfully conducted by such a practice. If the government would by degrees raise the grade of qualifications for its officers and insure a tenure that would make it an object for competent persons to enter the service,

it would make a direct saving of millions of dollars a year. There would be, besides, many indirect benefits resulting to the public from such a change. Take our Indian service, for example. An Indian agent—that is, an agent for the Indians—holds his office for a term of only four years; yet such an officer is practically the ruler of several thousand Indians. To be as valuable both to the government and to the Indians as he ought to be, he should have that thorough knowledge of the character, language, and needs of the Indians which can only be gained by many years' experience with them. His influence over them ought to be very great; and from such an agent we can readily suppose an incoming administration might derive information and advice with reference to the management of the Indians which would be valuable. But how ludicrous to suppose that it could place much dependence upon information and advice received from its own newly appointed agents, who were mere apprentices and had to be taught their duties by instructions from the Indian Bureau at Washington! It is owing much to the frequent changes and superficial qualifications in the Indian service that we have had such a faltering, hand-to-mouth Indian policy. If our civil service had been such as to attract and retain first-rate men for Indian agents, the country would have been spared many humiliations (surely the killing



of an agent and barbarous treatment of his wife and daughters by the Indians, as happened in Colorado, was a humiliation) and thousands of innocent lives and many millions of dollars might have been saved.

There are about 250,000 Indians in the United States. The Indian service proper costs from \$5,000,000 to \$7,000,000 a year; and certainly \$6,000,000 a year out of the \$40,000,000 expended annually for the support of our military establishment may be charged to Indian troubles. One of the ablest generals of the army in a recent report favors an increase of the army to 50,000 men, and says there is daily use for nine tenths of such a force with sole reference to the Indians. General Schofield in his report, referring to the country west of the Rocky Mountains, says, "The Indian reservations are now surrounded by great herds of horses and cattle, by vast fields of wheat and corn, and by thousands of defenceless settlers;" that these settlers, "relying on the government for protection, are apparently unconscious of any danger, while in simple truth they are liable at any moment to experience all the horrors of savage warfare." And yet we continue to appoint, nobody knows who, for an Indian agent, to hold his office four years as a reward for party service. Economy, humanity, and honor alike powerfully demand a reform of this branch of the service.

Take, also, our public land system. For fifty years, under each political party, the government has been selling much of its pine timber land — the virgin forest — at one dollar and a quarter per acre, which was actually worth seventy-five dollars per acre! The inexperience of our frequently changed land officers has not only resulted in the government being a great loser with reference to its timber interests, but it has often been a source of confusion and expense to settlers on the public land. Too much politics! That is the reason why our land laws have not been more economically administered.

The greater part of the revenue which the government (and when I use this word I mean of course the national government of the United States, and not the government of any separate State) collects to defray its vast expenses and to pay the interest on the public debt is derived from taxes — called also the tariff or customs duties — levied on goods imported from foreign countries. To determine promptly the proper rate of tax on the numberless kinds of goods under our complicated tariff requires not only a great deal of technical skill and a judicial mind, but many years' experience. How absurd it is that the revenue officers of our great ports should, from their lack of experience, feel obliged to send to the Treasury Department, Washington, almost every twenty-four hours for instructions

in the discharge of their duties ! So, one might go through every branch of our civil service and show how unthrifty it is for the government to be always served by a set of beginners or apprentices. With trained and skilled officers the government could accomplish its work with a smaller force and obtain better service. The late General Garfield, in a carefully prepared paper that was published in 1877, expressed his belief that with a "judicious system of civil service the business of the departments could be better done, with almost one half the present cost." Mr. Conkling, in a speech in the Senate February 20, 1869, in favor of the Tenure of Office Act said: "I heard, the other day, a senator affirm — and he is one whose duties here turn his studies toward such knowledge — that one hundred million dollars would not reimburse the loss to the treasury arising from the wanton exercise of the appointing power by the present (Andrew Johnson's) administration." Allowing for some possible exaggeration in these and other estimates which might be cited, it may safely be assumed that the United States would directly save many million dollars a year if an end were put to the spoils system as still practiced in respect to the three or four thousand presidential offices. At the present time the government of this great country feels itself to be in such need of money as to collect a tax of one dollar a barrel on the



pickled fish that forms a part of the food of our humblest industrial classes, a tax of eighteen dollars per ton on iron, a tax of forty cents per pound and thirty-five per cent. of the value additional on woolen clothing, and a tax of twenty-five per cent. on books; and many other taxes of a similar character. If we could only have our civil service established on business principles, as it was in the time of George Washington, the saving would be such that we could greatly reduce, if not wholly do away with such taxes.

Nor is it, I think, a far-fetched idea that the example of fair dealing in the public service would increase respect for government and exert a valuable moral influence in promoting order.

A great many people, however, while admitting the evils of the spoils system, are afraid that permanent tenure will breed an offensive *aristocracy of office-holders*, whose delight will be in circumlocution and red tape; and that the public would consequently be subjected to "the insolence of office" of which Hamlet speaks. I believe that a satisfactory answer to this is found in the fact that, under a truly reformed system, the office-holder's hope of promotion is a sufficiently strong incentive to good behavior. The opinion of Mr. Von Steyern (since promoted to be a minister of the Crown), quoted in my "Report

on the Civil Service of Sweden," is that the security and independence of an officer in not being removable except after judicial judgment has not shown itself to have any injurious influence. He states that the hope of promotion to higher and better paid positions is always a powerful motive to well doing. This opinion is perfectly sound ; and is borne out by what we observe in our own military and naval service, and by a vast amount of experience in business affairs. Tenure in our military and naval service is practically permanent and its officers command respect as they ought, but they do not compose an aristocracy. It is not customary for the military and naval officers of the United States to treat people who have business with them in an insolent manner. The hope of promotion among these officers, if there were no other motive, would itself be sufficiently strong to make them act like gentlemen. No ; where men are appointed and promoted through merit there is but little danger of their treating the public with insolence. On the other hand, the office-holder who is the creature of favoritism is just the one most likely to truckle to his superiors and to insult his inferiors.

As all United States civil offices, except judge-ships, are practically held at the pleasure — one may say the mercy — of the President, a reform is needful not only for the good of the service

itself, but as a *check to a dangerously growing one-man power*.

The Constitution provides that judges shall hold their places during good behavior, but is silent as to the tenure of other officers except that they may be removed by impeachment; and this designation of a certain manner of removal led some people to contend that any other way of removal was impliedly excluded. The general opinion, however, of statesmen in the time of Washington appears to have been that the President, like other chiefs of state, had full power of removal, but that his power in this as in other regards would be used solely for the public good; and, further, that the Senate could be relied upon to check his abuse of the power. That illustrious forerunner and expounder of the constitution, Alexander Hamilton, in discussing this power ("Federalist," No. 77, April 4, 1788), says: "A change of the chief magistrate, therefore, would not occasion so violent or so general a revolution in the officers of the government as might be expected if he were the sole disposer of offices. Where a man in any station had given satisfactory evidence of his fitness for it, a new President would be restrained from attempting a change in favor of a person more agreeable to him by the apprehension that the discountenance of the Senate might frustrate the attempt, and bring some degree of discredit upon himself."



An instructive debate took place on the President's power of removal in the House of Representatives of the first Congress in the year 1789, being the first year of Washington's administration. It arose on the bill for creating the "Department of Foreign Affairs," and particularly that clause of it providing that the head of the department should "be removable by the President." The debate is reported in Volume I. of "Annals of Congress," and shows a remarkable degree of confidence on the part of the statesmen of that time, including Madison, that no President would ever remove meritorious officers, also their opinion that such a removal would be an impeachable offence. Mr. Madison, who argued in favor of the President's power to remove, — the prevailing side, — said: "The danger, then, consists merely in this: the President can displace from office a man whose merits require that he should be continued in it. What will be the motives which the President can feel for such abuse of power and the restraints that operate to prevent it? In the first place, he will be impeachable by this House before the Senate for such an act of mal-administration; for I contend that the wanton removal of meritorious officers would subject him to impeachment and removal from his own high trust." Madison, who expressed this opinion, had been one of the little group of statesmen, including the matchless names of Washing-



ton and Franklin, who framed the Constitution; it was he who with his own hand made the only report of the debates of the Constitutional Convention which has been preserved; and as the third successor of Washington, he held the office of President eight years. He was one of the foremost of our early constitutional statesmen, and this opinion of his is quoted with approval by the great American jurist Story in his "Commentaries on the Constitution" (vol. ii. § 1541, fourth edition). As good a constitutional lawyer as Reverdy Johnson also approved this opinion of Madison in the debate in the Senate on the tenure of office bill.

Yielding to such arguments as were presented by Madison, and influenced partly by their confidence in the exalted character of the man who then filled the presidential office, the first Congress construed the Constitution as giving the President separate and absolute power of removal. As Thomas H. Benton says, it yielded to him "the *kingly prerogative* of dismissing officers without the formality of trial." Very able men, however, and among others Daniel Webster, have expressed the opinion that "the decision of 1789, which implied a power of removal separate from the appointing power, was erroneous." But though the President's power of removal was acknowledged, the practice of the early Presidents was in harmony with the principles ex-

pressed by Madison. Offices were regarded as public trusts, not as party perquisites. During the whole eight years of Washington's administration he made only nine removals from offices, the nominations to which had to be submitted to the Senate. President Adams made only nine such removals. Though Jefferson was elected by a different party from the one which had been in power, yet he removed during his eight years' administration only thirty-nine officers. During the sixteen years of the two administrations of Madison and Monroe only fourteen removals were made. President John Quincy Adams made only two removals. Then Jackson's administration in 1829 began the practice of making removals on party grounds.

An important decision in support of the power of removal without cause was made by the Supreme Court of the United States in 1839. It was the case *Ex parte Duncan N. Hennen* (13 Peters, 259), who was admitted to be a competent and faithful clerk of the United States District Court, but was removed by the judge to make place for another person whom the judge appointed on grounds of personal friendship. The court after very elaborate argument decided that the removal was constitutional. It held that the power of removal is incident to the power of appointment.

More recently, the Supreme Court has decided

that changes may be made in any military or naval offices by the President and Senate acting together. The Act of Congress of July 13, 1866, section 5, and now in the Revised Statutes of the United States § 1229, provides "that no officer in the military or naval service shall in time of peace be dismissed from the service except upon and in pursuance of a sentence of a court-martial to that effect," and it has been the popular opinion that this law absolutely secures to officers in the army and navy tenure during good behavior. A different construction, however, was given it by the Supreme Court in 1880, in the case of *Blake v. United States*, 13 Otto, 227. The court decided that the appointment *with the advice and consent of the Senate* of an officer in the army in place of another (who had not been tried and sentenced by a court martial) was legal. The court said: "There was no purpose by the 5th section of the Act of July 13, 1866, to withdraw from the President the power, with the advice and consent of the Senate, to supersede an officer in the military or naval service by the appointment of some one in his place." This decision was reaffirmed by the same court as lately as the October term, 1883, in the case of *Keyes v. United States* (109 U. S. Reports, 336). Although it would seem that the President alone has not the power to dismiss a military or naval officer who has not been sen-



tenced by a court martial, it is nevertheless clear from these decisions that he and the Senate together can at their pleasure supersede any and every officer of the army and navy. And does it require a very lively imagination to picture a situation where the President and a majority of the Senate are of the same party, when military and naval offices, like civil offices at present, shall become part and parcel of the spoils system? A beginning would probably be made with assistant-paymasters, quartermasters, and commissaries, and by degrees we might expect to see rotation in the posts of captain, colonel, and general, and the same with officers of the navy.

An abuse like our spoils system does not remain stationary. Either it will be reformed, or it will increase by its own momentum, till we shall see, at first cautiously and under specious pretenses, and finally as a matter of course, all the best offices in the army and navy appropriated at every change of administration on the theory "To the victors belong the spoils." And why not? It would be as reasonable and just to make changes in military and naval offices on party grounds as it is in the civil service. If such changes are good for the civil service they ought to be good for other branches of the service. This is the way the advocates of rotation would argue; and although such a development



of the spoils system would be deprecated by all friends of good administration, we must not be too confident it will not occur.

A short, practical remedy might here be suggested against the enormous growth of this one-man power. It is a bit of republicanism which we might borrow from imperial Germany. The Emperor of Germany, like all sovereigns, can remove any civil officer without cause, but any officer so removed receives half pay during life. Of course such removals are very rare. (Appointments and promotions in the civil service of the German Empire are made on impartial and rigorous tests, and usually officers are removed only for cause and after a fair trial and sentence.) If Congress would enact that every officer in the public service who should be removed by the President without cause should receive half pay, it would immediately stop such removals. No President would dare to saddle upon the government the expense of a big list of unemployed officers drawing half pay.

Considering that the Democratic party had been out of power for a long period, and that a large majority of the civil offices were held by Republicans, it was not unreasonable, perhaps, to expect that President Cleveland, notwithstanding his promise to crush out the spoils system, would make changes till there should be about

an *equilibrium of the adherents of each party in office*. If he had frankly pursued this course probably no one would have complained. But the complaint, and a very valid complaint, which a vast majority of the removed officials have against him is that, while his removals were, for the most part, actually on party grounds, he systematically caused it to be understood by the public that they were otherwise — that they were solely to purify the service. If he could find officials who had disgraced themselves or proved unfaithful or incompetent, it was due to the cause of civil service and to the public to remove them on the true and specific grounds ; but to indiscriminately lump with them hundreds of meritorious officers and cause it to be understood, as he did, that their removal was for reasons other than political was an injustice to honorable officers, as well as an imposition upon the public.

Mr. Cleveland was nominated and elected to the office of President because his character as a civil service reformer, acquired in the office of Governor of New York, gained him the support of the Independent civil service reform Republicans of that State. His declarations and pledges in favor of impartial and unpartisan civil service had been of the strongest character. The following are samples : In a message to the legislature of New York he said : “ The application to the public service of the same rule

which prevails in ordinary business, of employing those whose knowledge and training fit them for the duties at hand without regard to other considerations, must elevate and improve the civil service and eradicate from it many evils from which it has long suffered." At the "business men's" meeting at the Academy of Music, New York, the evening of October 15, 1884, he declared: "A government is never better administered than when it is conducted on business principles." So well known were his pledges on this subject that the London "Times" just before his inauguration said, "Mr. Cleveland received the support of the Independents on the faith of his condemnation of the spoils system, and they are looking to him for a vigorous removal of abuses in this direction." He strongly reiterated his professions in his inaugural as President, March 4, saying, "The people demand a reform of the administration of government and the application of business principles to public affairs. As a means to this end, civil service reform should be in good faith enforced." There was additional reason for Mr. Cleveland making an uncommonly good record as a civil service reformer from the fact that the administration of his predecessor had accomplished not so very little in that line. To use the words of Mr. Dorman B. Eaton of December 30, 1884, under the new civil service law a Republican administration,



with a magnanimity unprecedented in our history, had given official places to from eight hundred to one thousand of its political opponents. Though changes in office soon began to be made, the impression was continually given out at Washington that they were not on party grounds. On the 8th of May, up to which time the new administration had appointed 1,643 Democrats in the place of as many Republicans, being at the rate of over twenty-seven a day, including Sundays, since the 4th of March, the New York "Herald's" Washington correspondent wrote, "The work of sifting out unfaithful, incompetent, and improper men, and replacing them with better, will of course grow easier as the heads of departments and bureaus have time to more thoroughly master the details of their work. Thus it is very probable that the number of changes will be greater in the next two months than in the last two. But the President's determination is to improve the civil service, not to make party plunder of the offices." So the New York "Herald" of May 9, in an editorial, said: "The new administration is attending to the public business. It is *rooting out incompetent and unfaithful office-holders* as fast as it discovers them: it is calling in new men to help establish new and better methods of doing the public business. It is going no slower than it ought to, for the work before it is difficult and



requires care." These passages are but samples of the utterances which the newspaper press, both Independent and Democratic, were continually making. While announcements were being daily made of new appointments at home and abroad, the impression was studiously conveyed to the public that the officers removed had in some way failed in their duty. That nothing should be wanting to strengthen this fraudulent impression short lists were from time to time given out at Washington of Republican office-holders who, on account of having made good records, were to be retained in the service. Not only was the public assured of the pure and disinterested efforts of the administration, but the President seemed to demand the sympathy of the people in the hard struggle in which he was engaged. In the burst of virtuous indignation contained in his published letter of August 1, 1885, he again asserts that his administration is "pledged to give the people better government and *better officers*," and is "engaged in a hand-to-hand fight with the bad elements of both parties." Not only was he engaged in a "fight" with one party, but he was engaged in a desperate "hand-to-hand fight with the *bad elements of both parties*."

And it is in just this capacity of a reform athlete that the independent press has loved to portray him in their cartoons and frequent panegyrics.

If Mr. Cleveland had been a Cincinnatus taken from the plow, probably the most exact method of doing business would not have been expected of him; but as he had been a trained lawyer, accustomed to the precision and publicity of judicial proceedings, it would be supposed that acting as a chief magistrate in such responsible duties as the removal of officers from places of trust, and with every means for accuracy such as an abundance of clerks, stenographic reporters, and the telegraph freely at his disposal, — all furnished by the people's money, — he would not only have proceeded impartially, but would have preserved a record in each case. No officer in the army and navy, however low in rank, is removed without a trial before a general court-martial consisting of several disinterested officers, and a careful review of the proceedings, record, and sentence by a judge advocate general, and the President. It will seem astounding, then, to learn from the President's own admission that in such grave proceedings, involving the reputation and honor of important civil officers, he in not a few cases kept no record at all, and even formed his decisions to remove on mere secret, verbal, and *ex parte* statements! In his message to the Senate of March 1, 1886, arguing his right to withhold from the Senate papers relating to the removal of officers, he said: "I am quite prepared to avow that the cases are not few in

which suspensions from office have depended more upon oral representations made to me by citizens of known good repute, and by members of the House of Representatives and senators of the United States, than upon any letters and documents presented for my examination." It appears, indeed, from the minority Senate judiciary report made by the Democratic senators Messrs. Pugh, Coke, Vest, and Jackson, that such was his practice in a "majority" of cases. They say: "In a *large majority* of the cases of suspension, as the minority are informed, the President had information communicated to him orally by persons considered reliable, which it would be impossible for him to remember or reproduce in every case so as to put the Senate in possession of all the facts which governed him in the suspension, if the Senate had the authority, under the Constitution and laws of the United States, to call him to an account." It was this secret Star Chamber system of administration which has made it convenient for the President to maintain, as he did in his message above quoted, that "not a suspension has been made except it appeared to my [his] satisfaction that the public welfare would be improved thereby." This declaration, taken in connection with his strong pledges to do away with the "spoils" system and to make appointments on business principles, his allowing lists to be published of officers



who were to be retained because of their good records, his giving out from day to day through newspaper correspondence that he was engaged in weeding out incompetent officers, and his explicit reference in his letter of August 1, 1885, to his pledge to give the people "better officers" can only support the inference that the officers he suspended had in some way failed to make a good record, — were guilty of something besides being Republicans. It is this aspersion upon their character against which the suspended and removed officers justly complain.

"Not a suspension," says the President, "has been made except it appeared to my satisfaction that the public welfare would be improved thereby." The construction which I have given to these words is the same that people in general would put upon them; and it is the same construction as given them by the Senate judiciary committee. That committee, in its very significant report made to the Senate by Mr. Edmunds February 18, 1886, and signed by Senators George F. Edmunds, John J. Ingalls, S. R. J. McMillan, George F. Hoar, James F. Wilson, and William M. Evarts, referring to the President's message above quoted state: "This highly important and valuable official communication, in the presence of six hundred and forty-three suspensions from office, would seem to lead to the conclusion that this number of the civil officers of



the United States selected to be suspended and removed had been so derelict in the performance of their functions, or guilty of such personal misconduct, as to put them in the category of unfaithful public servants, deserving dismissal by the President and the Senate and the condemnation of their countrymen." Further than this the committee say: "In such a state of things we think that the common sense of justice and fair play that is so much prized, as we believe, by the people of the United States, would require that in some way this large body of men should have an opportunity to know the substance of their alleged misdoings in order that they may either admit their guilt, or, denying it, explain their conduct, or show that the accusations against them were selfish and wicked pretexts, and set up for the mere purpose of obtaining their suspension and ultimate dismissal from office in order that others less capable and worthy might at once receive the honors and emoluments of their places. . . . Why should the facts as they may appear from the papers on file be suppressed? Is it because that, being brought to light, it would appear that malice and misrepresentation and perjury are somewhat abundant, or merely that faithful and competent and honorable officers have been suspended and are proposed to be removed, under the advice and consent of the Senate, in order that places may be

found for party men because they are party men, or are the special objects of party favor? How does it happen in this time of suggested reform and purer methods in government that, for the first time, it is thought important that the historic and administrative facts relating to the official and personal conduct of officers of the United States should be withheld, and that the administration of the government should proceed with a secrecy as great as in the days of the Star Chamber?"

The Constitution of the United States makes it the duty of the President to recommend to the consideration of Congress such "measures" as he shall judge necessary and expedient. It is somewhat remarkable that the present Executive has never recommended to Congress any "measure" for the reform of the civil service and the abolition of the spoils system. Mere general remarks do not constitute a project or "measure" in the meaning of the Constitution. The President, with the wisest counsel of practical and patriotic men always at his service, could prepare and submit to Congress a thorough-going project or measure of reform if he were so disposed, and doubtless could secure its passage. Why has he not done so?

With the exception of the Senate proceedings connected with the report just quoted, *no notice*

*seems to have been taken by Congress* of the violation of the principles of civil service reform by the administration. It is a pity that the people do not assert their power on the question more effectively through their representatives. Even one representative in Congress who was an ardent civil service reformer could do an immense deal of good by frequently drawing attention to the abuses or rather outrages practiced by the Executive in this matter. If these abuses were liable to be exposed and boldly criticised by some courageous member of the House of Representatives, the Executive would not be so likely to commit them. That the sense of justice of Congress is shockingly dull to the rights of an office-holder can be seen by contrasting the habitual indifference and silence of our House of Representatives with the jealous regard shown in such matters by the British House of Commons. Take the following case as an example.

A vacancy, caused by death, had occurred in the office of the controller of the stationary department, and the government filled it by promoting over many others a man who had been in the war office seventeen years, who had proved himself efficient, and who enjoyed a good character. It was objected to him, however, that he had had no experience in the stationary department, and that the appointment indicated



favoritism, for a select committee of the House had three years before recommended that the office, in the future, should be given to some one practically conversant with paper and printing. The House of Commons on the 16th of July 1877, notwithstanding the government had a majority, passed a vote of censure against the government, the resolution declaring among other things that the appointment was calculated "to discourage the interest and zeal of officials employed in the public departments of the state." Here was a majority in the House of Commons of England passing a vote of censure against its own administration, not for unjustly removing a faithful officer, for no removal had been made; not for appointing an incompetent man, for the person appointed was efficient; but for promoting an officer under circumstances which indicated favoritism. Not only this, but the matter was regarded as of such importance that three days afterwards the Prime Minister, Earl of Beaconsfield, felt called upon to defend himself, as he did in the House of Lords, in an elaborate speech, the report of which filled over two columns of small type in the London "Times." He showed that there really was no favoritism in the appointment, and on the whole made a fair defence.

In contrast with this jealous spirit of the British House of Commons, how strange is the



indifference of the American House of Representatives, which without a word of remonstrance calmly beholds faithful officers removed in a surreptitious manner by hundreds, and others put in their place solely as the reward of party work.

Out of all the three hundred and thirty-four congressional districts in our great Republic is there not one that can return a genuine civil service reformer? If a military officer (for example Fitz-John Porter) is removed, even after trial, the whole country becomes interested in his case. But civil officers may be removed by the hundred, even in a grossly unfair manner, with scarce any further notice of the matter being taken by the public than the remark, "Such is politics!"

In conclusion, I repeat there exists great delusion as to what has actually been accomplished in the way of reforming the civil service; that over three thousand civil offices, with aggregate pay of twelve million dollars, still form a part of the President's patronage; that the abolition of the spoils system would not only yield direct economical benefits to the country, but would exert a favorable influence on the selection and tenure of Congressmen (for surely experience with the Interstate Commerce Act shows that we need trained legislators); that the exercise of the one-man power in the wholesale removal of offi-

cers on political grounds is repugnant to the spirit of the Constitution and highly injurious to the public welfare ; that to bring about the desired reform requires legislation by Congress ; and, finally, that if the Republican party desires and expects the support of the Independents in the next Presidential election it must manifest a determined and honest purpose to accomplish a thorough reform of the civil service on a basis of honor and justice.

ST. PAUL, MINN., *July*, 1887.

# ADMINISTRATIVE REFORM, AS AN ISSUE IN THE NEXT PRESIDENTIAL CANVASS.

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Will repay careful reading. — *News*, Galveston, Texas.

As GENERAL ANDREWS made an extended study of European systems of civil service during his residence abroad as United States Minister to Sweden and Norway, he is well qualified to write in the broadest and most intelligent way on the need of reform in the civil service of his own

country. Indeed, he has before now published not a little that was helpful and suggestive on this subject. — *Evening Bulletin*, Providence.

The mugwumps all along the line avow their conviction that Cleveland has deceived and laughed at them, and that he is n't a civil service reformer at all, and the general in his pamphlet sets forth very graphically the frauds he has practised on the mugwumps and on the country. — *State Journal*, Lincoln, Neb.

A well written treatise upon the question. — *Register*, Eugene City, Oregon.

The author, GENERAL ANDREWS, has had experience of the systems of civil service in Norway and Sweden, concerning which he made a report some years ago to the State Department at Washington. Hence his qualifications for discussing the matter, which he does intelligently and with ability. . . . He draws on European practice largely to elucidate the points which he presses upon the Republicans as necessary to their making a good fight before the country and getting a respectable proportion of the independent vote. — *Brooklyn Eagle*.

He makes one point which is as true as it is important, that under the civil service law "thousands of youth all over the country find an inducement for study which did not before exist." It is well that the youth of the country should recognize the need of capability as an element in securing office, however small or great. — *Providence Journal*.

"Administrative Reform, as an issue in the next Presidential Canvass," by GENERAL C. C. ANDREWS, of Minnesota, is the title of a vigorous pamphlet in which civil service reform is commended, as an important issue in the election of 1888, to the consideration of Republicans. We move an extension of the appeal to all good citizens, whether of one party or the other. A non-partisan civil service is the great desideratum of our government. — *Watchman*, Boston.

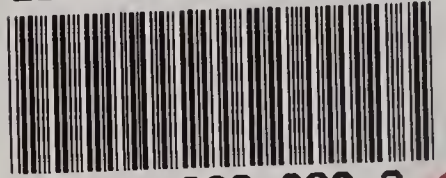








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